

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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UNITED STATES OF AMERICA,

Case No. 25-CR-6 (NEB/DJF)

Plaintiff,

v.

ORDER ON REPORT AND  
RECOMMENDATION

JAMES WILBERT JACKSON,

Defendants.

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Defendant James Wilbert Jackson is charged with a single count of being a felon in possession of a firearm in violation of 18 U.S.C. Sections 922(g)(1) and 924(a)(8). (ECF No. 1.) Jackson moved to dismiss the Indictment, arguing that Section 922(g)(1) violates the Second Amendment of the United States Constitution in light of *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022). (ECF No. 15.) In a Report and Recommendation, United States Magistrate Judge Dulce J. Foster recommends denying Jackson's motion based on Eighth Circuit precedent. (ECF No. 22 ("R&R") at 4–5.)

Jackson objects to the R&R to preserve the issue on appeal. (ECF No. 27.) Because he objects, the Court reviews the R&R *de novo*. See 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b); D. Minn. LR 72.2. Based on that review, the Court overrules the objection and accepts the R&R.

As the R&R explained, the Eighth Circuit considered and rejected the arguments Jackson makes and held that Section 922(g)(1) is constitutional in *United States v. Jackson*, 110 F.4th 1120, 1125–29 (8th Cir. 2023). (*See* R&R at 2–5.) Because Jackson’s arguments are foreclosed by binding Eighth Circuit precedent, his motion is denied.

Based on all the files, records, and proceedings in this case, IT IS HEREBY ORDERED THAT:

1. Defendant James Wilbert Jackson’s Objection (ECF No. 27) is OVERRULED;
2. The Report and Recommendation (ECF No. 22) is ACCEPTED; and
3. Jackson’s Motion to Dismiss the Indictment (ECF No. 15) is DENIED.

Dated: May 23, 2025

BY THE COURT:

s/Nancy E. Brasel  
Nancy E. Brasel  
United States District Judge